

Summary of:
Public Comments Received During the
Notice of Intended Regulatory Action Period
(In compliance with Executive Order 25)
Regarding Proposed Regulations Titled
Sewage Collection and Treatment (SCAT) Regulations

The Notice of Intended Regulatory Action, regarding the proposed regulations was published in the Virginia Register on June 29, 1997, inviting the public to comment before July 10, 1997. No comments were received during this period.

Statement:
Description of Process by which the Board of Health
has Considered Less Burdensome and Less Intrusive Alternatives to
Proposed *Regulations* Titled
Sewage Collection and Treatment (SCAT) Regulations
(In compliance with Executive Order 25)

In light of the clear, specific and mandatory authority of the State Board of Health to promulgate the proposed regulations, the Board has not considered any alternatives to the proposed regulations, nor are any warranted. The Board has, however, carefully drafted the proposed regulations to ensure that they embody the most appropriate, least burdensome and least intrusive framework for effectively regulating the design and operation of Sewage Collection Systems and Sewage Treatment Works, as is possible.

Statement:
Whether the Proposed *Regulations* Titled
***Sewage Collection and Treatment (SCAT) Regulations* are**
Clearly Written and Easily Understandable
(In compliance with Executive Order 25)

In drafting the proposed *Regulations*, the Board strove to write provisions that are clear and easily understandable by the individuals and entities affected. The Board has determined that the regulations are clearly written and will be easily understood.

Statement:
Identification of Anticipated Regulatory Impacts from
Proposed *Regulations* Titled
Sewage Collection and Treatment (SCAT) Regulations
(In compliance with Executive Order 25)

The proposed SCAT *Regulations* will provide more flexibility within the process now utilized for technical evaluation and approval of proposals, reports, plans, and specifications submitted as applications in support of permits to construct and operate sewage collection and treatment facilities. This proposal, in addition to efficiencies realized through reorganization, will reduce the Virginia Department of Health (VDH) staff time now expended for this program from a current level of eleven (11) years to six (6) years of FTE time. However, the VDH program will continue to ensure that technical assistance is provided to owners and their consultants to develop the most cost-effective technology that can be reasonably operated to provide reliable performance in compliance with permit requirements. The VDH staff will negotiate an acceptable design in accordance with the updated standards provided by the SCAT *Regulations*. During this process, small communities will receive the benefits of the statewide technical expertise provided by the VDH staff. In addition, equipment manufacturers will be provided with a uniformly regulated process on which to base competitive bids for construction contracts. Implementation of the SCAT *Regulations* will make the process more efficient and timely.

Statement:
Changes to be Implemented
by Proposed *Regulations* Titled
Sewage Collection and Treatment (SCAT) Regulations

The existing 1977 *Sewerage Regulations* promulgated jointly by the State Water Control Board and the State Board of Health will remain in effect until superceded by the proposed *SCAT Regulations* adopted by either board as appropriate (Chapter 194 of the 1991 Acts of the General Assembly). Implementation of the proposed *SCAT Regulations* by the Virginia Department of Health (VDH) will provide owners, operators, consultants, contractors, and equipment suppliers with updated, uniform standards for design and installation of sewage collection, treatment, reuse and disposal of sewage for large and small communities.

§62.1-44.18 of the *Code* of Virginia specifies that all sewerage systems and sewage treatment works shall be under the general supervision of the VDH and the State Water Control Board/Department of Environmental Quality (DEQ).

§62.1-44.19 of Chapter 3.1, Title 62.1 *Code* of Virginia specifies that before any owner may erect, construct, open, expand or operate a sewerage system or sewage treatment works which will have a potential discharge or actual discharge to state waters, such owner shall file with the State Water Control Board/DEQ an application for a certificate. Before issuing the certificate, the State Water Control Board consults with and gives consideration to the written recommendations of the VDH pertaining to the protection of public health. Upon completion of advertising, the State Water Control Board/DEQ determines whether the application is complete. After the certificate has been issued by the State Water Control Board/DEQ, the owner must acquire from the VDH (i) authorization to construct the systems or works for which the Board has issued a discharge certificate and (ii) upon completion of construction, authorization to operate the sewerage system or sewage treatment works. These authorizations are to be obtained in accordance with regulations promulgated by the State Board of Health under §32.1-164. The VDH will then notify the State Water Control Board/DEQ when such authorizations are granted. Such authorization will be in the form of construction and operation permits issued by the State Health Commissioner, in accordance with the provisions of the *SCAT Regulations*.

Statement:
Reasoning by which the Board of Health has Determined
that the Proposed *Regulations* Titled
Sewage Collection and Treatment (SCAT) Regulations
(In Compliance with Executive Order 25)

The General Assembly, in its wisdom, has concluded that it is necessary to regulate the design and operation of sewage collection systems and sewage treatment works to protect the health and safety of Virginians. The sound, economical and fair regulation of any public program that disburses funds, such as public and, private utilities, depends on the development and publication of an effective regulatory framework. The proposed *Regulations* will constitute such a framework.

Summary of:
Proposed *Regulations* Titled
Sewage Collection and Treatment (SCAT) Regulations

The proposed SCAT *Regulations* provide standards for the design, construction, and operation of Sewage Collection Systems and Sewage Treatment Works. Upon adoption of these regulations, construction and operation permits will be issued to applicants by the State Health Commissioner upon completion of technical evaluations of submitted engineering documents by the Division of Wastewater Engineering staff of the Office of Environmental Health Services. The issuance of such permits will be required upon the filing of a complete permit application with the Department of Environmental Quality, Water Division, followed by the development of either a Virginia Pollutant Discharge Elimination System (VPDES) permit, or a Virginia Pollution Abatement (VPA) permit.

Statement of:
Source of Authority to Promulgate
(In compliance with Executive Order 25)
Proposed Regulations Titled
Sewage Collection and Treatment (SCAT) Regulations

Article 1 of Chapter 6 of Title 32.1 (Section 32.1-164 *et seq.*) of the *Code* of Virginia contains language authorizing the State Board of Health to promulgate the proposed regulations, specifically, by stating that: “the *Regulations* of the Board shall govern the collection, conveyance, transportation, treatment, and disposal of sewage. Such regulations shall be designed to protect the public health and promote the public welfare----.” The scope of the mandate is appropriate for the adequate and effective *Regulation of Sewage Collection and Treatment*.

Schedule:
When the Board of Health will Review
the Proposed *Regulations* Titled
Sewage Collection and Treatment (SCAT) Regulations
(In compliance with Executive Order 25)

The State Board of Health will review and reevaluate the proposed *Regulations* within three years of their becoming effective in order to determine whether they should be continued, amended or terminated.

The measurable goals the proposed *Regulations* are intended to achieve include:

- (i) Whether the proposed *Regulations* effectively regulate sewage collection system and treatment works design and operation, as gauged by the comments received by the regulated community and discussions of the program during semi-annual meetings of the established *Regulations* Advisory Committee and;
- (ii) Whether new and innovative technology can be effectively utilized, as gauged by the number and nature of comments and inquiries received by the regulated community.